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Attorneys for Defendants
Steven Clontz, Gary Hromadko, Scott Kriens,
William Luby, Irving Lyons, III, Christopher
Paisley, Stephen Smith, Peter Van Camp and
nominal defendant Equinix, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH STOPA, derivatively on behalf of
Nominal Defendant, EQUINIX, INC..

Plaintiff,

vs.

STEVEN CLONTZ, GARY HROMADKO,
SCOTT KRIENS, WILLIAM LUBY,
IRVING LYONS, III, CHRISTOPHER
PAISLEY, STEPHEN SMITH, PETER VAN
CAMP.

Defendants.

and

EQUINIX, INC.,

Nominal Defendant.

Case No. 11-CV-02467-SC

Derivative Action

**STIPULATION AND [PROPOSED]
ORDER REGARDING TEMPORARY
STAY OF LITIGATION, EXTENSION
OF TIME FOR PLAINTIFF TO FILE
AMENDED COMPLAINT AND
CONTINUING CASE MANAGEMENT
CONFERENCE**

This stipulation is entered into by and among plaintiff Joseph Stopa (“Plaintiff”) and defendants Steven Clontz, Gary Hromadko, Scott Kriens, William Luby, Irving Lyons, III, Christopher Paisley, Stephen Smith, Peter Van Camp and nominal defendant Equinix, Inc.

**STIP. AND [PROPOSED] ORDER RE: STAY,
EXTENSION OF TIME TO FILE AMENDED
COMPLAINT AND CONTINUING CMC**

CASE NO. 11-CV-02467-SC

1 (collectively, "Defendants"), by and through their respective attorneys of record;

2 WHEREAS, presently pending before this Court is Plaintiff's putative shareholder
3 derivative action against certain officers and directors of Equinix, Inc. ("Equinix" or the
4 "Company") and against nominal defendant Equinix;

5 WHEREAS, on May 20, 2011, Plaintiff filed a Verified Shareholder Derivative
6 Complaint ("Current Complaint");

7 WHEREAS, on July 14, 2011, this Court issued an order temporarily staying the above-
8 captioned action and setting forth the following timing regarding the filing of an amended
9 complaint and the briefing of responses thereto (the "Briefing Schedule"):

- 10 (i) Plaintiff shall file an Amended Complaint or designate the Current Complaint as
11 the Operative Complaint by October 24, 2011;
- 12 (ii) Defendants have through and including November 23, 2011 to move, plead or
13 otherwise respond to Plaintiffs' Amended or Operative Complaint;

14 WHEREAS, a related putative shareholder class action complaint, entitled *Cement*
15 *Masons & Plasterers Joint Pension Trust v. Equinix, Inc., et al.*, Case No. 11-CV-01016-SC
16 (N.D. Cal.), is currently pending against Equinix and certain officers and directors under the
17 Private Securities Litigation Reform Act ("PSLRA");

18 WHEREAS, plaintiff in the *Cement Masons* case filed an Amended Complaint for
19 Violation of the Federal Securities Laws ("Amended Class Action Complaint") on September 22,
20 2011;

21 WHEREAS, a hearing on defendants' motion to dismiss the *Cement Masons*' Amended
22 Class Action Complaint is currently scheduled to be heard before this Court on February 24,
23 2011;

24 WHEREAS, Plaintiff in the above-captioned action has requested and Defendants have
25 agreed, subject to approval of the Court, that Plaintiff have an additional thirty (30) days to file an
26 Amended Complaint or designate the Current Complaint as the Operative Complaint;

27 WHEREAS, in an effort to assure consistent rulings and decisions, promote coordination
28 between the related federal shareholder class action and this putative shareholder derivative

1 action, avoid needless motion practice, avoid unnecessary duplication of effort, and conserve the
 2 Court's and parties' resources, the parties have agreed to temporarily stay the above-captioned
 3 action until this Court rules on defendants' motion to dismiss the Amended Class Action
 4 Complaint in *Cement Masons*;

5 WHEREAS, after this Court rules on defendants' motion to dismiss the *Cement Masons'*
 6 Amended Class Action Complaint, the parties to the above-captioned action will file a stipulation
 7 setting forth a briefing schedule on Plaintiff's Amended or Operative Complaint;

8 WHEREAS, a case management conference is currently set for November 18, 2011;

9 WHEREAS, in light of the foregoing, the parties believe that a case management
 10 conference at this point would serve no purpose and would result in the needless expenditure of
 11 private and judicial resources, and that the initial case management conference in this action
 12 should be continued and have conferred with the Court and have been informed that March 9,
 13 2012 at 10:00 a.m. is a convenient date for the case management conference;

14 IT IS ACCORDINGLY STIPULATED, by and between the undersigned counsel for the
 15 Parties, that:

16 1. Plaintiff shall have through and including November 23, 2011 to file an Amended
 17 Complaint or designate the Current Complaint as the Operative Complaint.

18 2. The parties agree to temporarily stay the above-captioned action until this Court
 19 rules on defendants' motion to dismiss the Amended Class Action Complaint in *Cement Masons*.
 20 The hearing on the motion to dismiss in *Cement Masons* is currently scheduled for February 24,
 21 2011.

22 3. Defendants shall have no obligation to respond to the Current Complaint.

23 4. Defendants shall have no obligation to respond to the Amended or Operative
 24 Complaint until after this Court rules on defendants' motion to dismiss the *Cement Masons'*
 25 Amended Class Action Complaint and the parties in the above-captioned action agree to a
 26 briefing schedule on Plaintiff's Amended or Operative Complaint.

27 5. The case management conference presently scheduled for November 18, 2011 is
 28 continued to March 9, 2012, at 10:00 a.m.

1 Dated: October 17, 2011

FENWICK & WEST LLP

2 By: Catherine Kevane
3 Catherine Kevane

4 FENWICK & WEST, LLP

5 Attorneys for Defendants Steven Clontz, Gary
6 Hromadko, Scott Kriens, William Luby, Irving
7 Lyons, III, Christopher Paisley, Stephen Smith,
8 Peter Van Camp and nominal defendant Equinix,
9 Inc.

10 Dated: October 17, 2011

11 GREEN WELLING, P.C.

12 By: Robert S. Green
13 Robert S. Green

14 GREEN WELLING, P.C.

15 FEDERMAN & SHERWOOD

16 Attorneys for Plaintiff
17 Joseph Stopa

18 Pursuant to General Order No. 45 Section X(B), all of the signatories concur in the filing
19 of this stipulation.

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW

[PROPOSED] ORDER

Pursuant to the foregoing stipulation, it is hereby ordered that:

1. Plaintiff shall have through and including November 23, 2011 to file an Amended Complaint or designate the Current Complaint as the Operative Complaint.

2. After Plaintiff files his Amended or Operative Complaint, the parties agree to temporarily stay the above-captioned action until this Court rules on defendants' motion to dismiss the Class Action Complaint in *Cement Masons*.

3. Defendants shall have no obligation to respond to the Current Complaint.

4. Defendants shall have no obligation to respond to the Amended or Operative Complaint until after this Court rules on defendants' motion to dismiss the *Cement Masons*' Amended Class Action Complaint and the parties in the above-captioned action agree to a briefing schedule on Plaintiff's Amended or Operative Complaint.

5. The case management conference presently scheduled for November 18, 2011 is continued to March 9, 2012, at 10:00 a.m.

Dated: 10/18/11

